

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

BRIAN DATZKO,

Plaintiff,

v.

COMMISSIONER OF
SOCIAL SECURITY,

Defendant.

Case No. 13-13559

Hon. Gerald E. Rosen

Magistrate Judge Charles E. Binder

**ORDER ADOPTING
MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

At a session of said Court, held in
the U.S. Courthouse, Detroit, Michigan
on February 19, 2015

PRESENT: Honorable Gerald E. Rosen
Chief Judge, United States District Court

On December 9, 2014, Magistrate Judge Charles E. Binder issued a Report and Recommendation ("R & R") recommending that the Court deny Plaintiff Brian Datzko's motion for summary judgment and grant the Defendant Commissioner of Social Security's motion for summary judgment. No objections have been filed to the R & R. Upon reviewing the R & R, the parties' underlying cross-motions for summary judgment, and the record as a whole, the Court concurs in the analysis of the Magistrate Judge, and adopts the R & R in its entirety.

Accordingly,

NOW, THEREFORE, IT IS HEREBY ORDERED that the Magistrate Judge's December 9, 2014 Report and Recommendation (docket #13) is ADOPTED as the opinion of this Court. IT IS FURTHER ORDERED, for the reasons stated in the R & R, that Plaintiff's January 3, 2014 motion for summary judgment (docket #10) is DENIED, and that Defendant's March 6, 2014 motion for summary judgment (docket #12) is GRANTED.

s/Gerald E. Rosen
Chief Judge, United States District Court

Dated: February 19, 2015

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on February 19, 2015, by electronic and/or ordinary mail.

s/Julie Owens
Case Manager, (313) 234-5135